
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

JOHN P. WALLACE,

Plaintiff,

versus

ROBERT VILLAPONDO,

Defendant.

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CIVIL ACTION NO. 1:20-CV-160

**MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING THE
MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

Plaintiff, John P. Wallace, an inmate confined at the Mark Stiles Unit with the Texas Department of Criminal Justice, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against defendant Robert Villapondo.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends dismissing this civil rights action pursuant to 28 U.S.C. § 1915(g).

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, and pleadings. Plaintiff filed objections to the Magistrate Judge’s Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

Plaintiff asserts a claim for deliberate indifference to his serious medical needs. Plaintiff does not adequately allege is under imminent danger of serious physical injury. The cases cited by

the Magistrate Judge were all dismissed as frivolous and/or for failure to state a claim which properly count as a strike pursuant to 28 U.S.C. § 1915(g).

ORDER

Accordingly, the objections of the plaintiff are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. The court will enter a Final Judgment in accordance with the recommendations of the Magistrate Judge.

SIGNED at Beaumont, Texas, this 20th day of May, 2020.

A handwritten signature in black ink, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE